

SENATE BILL No. 354

DIGEST OF SB 354 (Updated January 21, 2015 12:18 pm - DI 106)

Citations Affected: IC 34-55.

Synopsis: Judgments. Provides that a judgment creditor may require a judgment debtor to appear in court to provide information concerning the judgment debtor's income and assets: (1) at any time, if the judgment debtor's circumstances have changed; or (2) not more than one time every six months. Permits a court, after conducting a hearing concerning a judgment debtor's income and assets, to summarily modify a previously issued order concerning the judgment debtor's income and assets.

Effective: July 1, 2015.

Steele, Randolph

January 8, 2015, read first time and referred to Committee on Judiciary. January 22, 2015, amended, reported favorably — Do Pass.



First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 354

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 34-55-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) If an execution against the property of the judgment debtor or any of several debtors in the same judgment is returned unsatisfied, in whole or in part, the judgment creditor, after the return is made, is entitled to an order to be issued by any circuit, superior, or city court in the jurisdiction to which the execution issued that requires the judgment debtor to appear before the court to answer concerning the judgment debtor's property, income, and profits within the county to which the execution was issued.

(b) If a judgment is still unsatisfied after a court has ordered the property, income, or profits of the judgment debtor to be applied to the satisfaction of a judgment under this chapter, whether by garnishment, agreed order, or otherwise, the judgment creditor is entitled to an order to be issued by any circuit, superior, or city court in the jurisdiction to which the execution issued that requires the judgment debtor to appear before the court to answer



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1	concerning the judgment debtor's property, income, and profits
2	within the county to which the execution was issued:
3	(1) at any time, if the judgment creditor reasonably believes
4	that the judgment debtor's circumstances have changed
5	concerning the judgment debtor's property, income, or
6	profits; or
7	(2) not more than one (1) time during any six (6) month
8	period.
9	(c) After conducting a hearing under subsection (b), the court
10	may summarily modify its previously issued order concerning the
1	property, income, or profits of the judgment debtor.
12	(d) This section does not affect or limit the enforcement of a
13	child support case under IC 31-25-4 by a Title IV-D agency (as
14	defined by IC 31-9-2-130) or local Title IV-D office.



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 354, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, after line 11, begin a new paragraph and insert:

"(d) This section does not affect or limit the enforcement of a child support case under IC 31-25-4 by a Title IV-D agency (as defined by IC 31-9-2-130) or local Title IV-D office.".

and when so amended that said bill do pass.

(Reference is to SB 354 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 10, Nays 0.

